

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
RALPH JACQUES,

Plaintiff,

- against -

THE CITY OF NEW YORK,

Defendant.


-----X
To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
May 5, 2014

Yours, etc.,

POWELL & ROMAN, LLC
Attorneys for Plaintiff

By: 
ROBERT G. ANDROSIGLIO
30 Wall Street - 8th Floor
New York, New York 10005-2205
(212) 742-0001

Defendant's Address:

THE CITY OF NEW YORK
100 Church Street
New York, New York 10007

SUPREME COURT STATE OF NEW YORK
COUNTY OF KINGS

-----X Index No.:
RALPH JACQUES,

Plaintiff,

-against-

VERIFIED COMPLAINT

THE CITY OF NEW YORK,

Defendant.

-----X

Plaintiff, RALPH JACQUES, by his attorneys POWELL & ROMAN, LLC, complaining of the Defendant herein, respectfully alleges the following upon information and belief:

AS AND FOR A FIRST CAUSE OF ACTION

1. At all times hereinafter mentioned, the plaintiff, RALPH JACQUES, was a resident of the County of Kings, City and State of New York.
2. Upon information and belief and at all times hereinafter mentioned, defendant THE CITY OF NEW YORK was and still is a domestic municipal corporation duly organized and existing under and by virtue of the Laws of the State of New York.
3. That notice of plaintiff's claim and intention to sue and of the time when and place where the injuries alleged herein were incurred and sustained, was duly served by said plaintiff upon the defendant on or about the 2nd day of May 2013 and within ninety (90) days of the causes of action herein accrued, all as required by General Municipal Law §50-e.
4. That at least thirty (30) days have elapsed since the demand or claim upon which this action is founded was served upon the aforementioned defendants for adjustment and the defendant has neglected and/or refused to make an adjustment or payment thereon for said period of thirty (30) days after such presentation.
5. That on 28th day of October 2013, plaintiff duly submitted to the statutory hearing concerning the justness of his claim.
6. That plaintiff has complied with all applicable Sections of the General Municipal Law which are conditions precedent to bringing this action against the defendant.
7. That this action has been commenced within one year and ninety days after the cause of action of plaintiff accrued.

8. That at all times hereinafter mentioned, the New York City Police Department (NYPD) was and is a department or agency of the defendant that was and is responsible for the appointment, training, supervision, promotion and discipline of the police offices of the NYPD.

9. That at all times hereinafter mentioned, the NYPD had a duty to provide, supervise and control the city streets and protect the well-being and safety of the public.

10. That at all times hereinafter mentioned, the defendant employed the warrant officers, police offices, jailers, wardens, magistrates, court attendants, clerks, district attorney and his assistants, drivers and others hereinafter mentioned in this complaint.

11. Upon information and belief, the defendant owned various courthouses, jails and their equipment, police stations, and the vans used to transport prisoners, all hereinafter mentioned in this complaint.

12. Upon information and belief, the defendant maintained the various courthouses, jails and their equipment, police stations, and the vans used to transport prisoners, all hereinafter mentioned in this complaint.

13. Upon information and belief, the defendant controlled the various courthouses, jails and their equipment, police stations, and the vans used to transport prisoners, all hereinafter mentioned in this complaint.

14. That on or about June 30, 2010, at approximately 3:48 p.m. the plaintiff was lawfully in the premises known as 70 Tapscott Stret in the County of Kings, City and State of New York.

15. That on June 30, 2010, at approximately 3:48 p.m., the plaintiff was arrested by a police office of the defendant's NYPD, detained and arrested plaintiff on the charge of rape in the third degree; criminal sexual act in the third degree; sexual misconduct; and sexual abuse in the third degree.

16. That on June 30, 2010, plaintiff was arrested despite the fact that there was no warrant for his arrest.

17. That on June 30, 2010, the defendant's servants, agents and/or employees of the NYPD forcibly detained and handcuffed the plaintiff.

18. That on June 30, 2010, and continuing to July 24, 2010, plaintiff was taken into custody, where he was booked, unlawfully and detained.

19. That plaintiff was held in custody and restrained of his liberty and not released for approximately three weeks.

20. That this arrest was made without warrant or other legal process and was unlawful, wrongful, malicious and without right in that the plaintiff had committed no crime and in that there was no reason or cause for belief that plaintiff had committed any crime.

21. That in doing all the acts and things aforesaid, defendant through its agents servants and/or employees acted willfully, maliciously and without right, reason or probable cause.

22. That defendant its agents servant and/or employees wrongfully caused plaintiff to be arrested, jailed and charged with a crime.

23. That said assault, false arrest and false imprisonment of plaintiff and the ensuing restraint of his liberty caused him great humiliation and as a result of which he has been damaged.

24. That by reason of the foregoing false arrest, plaintiff was impaired; plaintiff suffered great mental distress, indignity and humiliation; her reputation and character were injured; and his earning power permanently impaired.

25. As a result of the foregoing acts plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction herein.

AS AND FOR A SECOND CAUSE OF ACTION

26. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in the First Cause of Action with the same force and effect as if fully set forth at length hereinafter.

27. That defendant, its agents servants and/or employees, willfully, maliciously and without lawful right or reason, falsely imprisoned plaintiff charging him with rape in the third degree; criminal sexual act in the third degree; sexual misconduct; and sexual abuse in the third degree.

28. That the imprisonment of the plaintiff was based upon charges which were false, untrue, malicious and without right, reason or probable cause and of no lawful effect.

29. That plaintiff was held in custody in a cell for approximately three weeks.

30. That by reason of the foregoing false arrest, plaintiff was impaired; plaintiff suffered great mental distress, indignity and humiliation; his reputation and character were injured; and his earning power permanently impaired.

31. As a result of the foregoing acts plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction herein.

AS AND FOR A THIRD CAUSE OF ACTION

32. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in the First and Second Causes of Action with the same force and effect as if fully set forth at length hereinafter.

33. That this action arises under the United States Constitution, particularly under the provisions Of the Fourth, Sixth and Fourteenth Amendments to the Constitution of the United States and under Federal Law particularly Title 42 of the United States Code, Section 1983.

34. That each and all of the acts of the defendant its agents servants and/or employees were done by defendant not as individuals, but under color and pretense of the statutes, ordinances, regulations, customs and usages of the State of New York and the City of New York, and under the authority of its office as police officers for such city and state.

35. The acts and conduct described above deprived plaintiff of his rights:

- a. To Freedom of speech and association;
- b. To be free from false arrest and imprisonment without probable cause by police officers acting under color of law;
- c. To be free from malicious prosecution by police offices acting under color of law;
- d. To be free form abuse of process by police officers acting under color of law;
- e. To be entitled to the free exercise of due process without wrongful restraint by police officers acting under color of law;
- f. To be free of unreasonable seizure by police officers acting under color of law;
- g. To not have excessive force used against him by police officers acting under color of law; and
- h. To not have summary punishment imposed upon him by police officers acting under color of law;

all in violation of the First, Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

36. That the acts, conduct and behavior of these defendants and each of them were performed knowingly, intentionally and maliciously, by reason of which plaintiff is entitled to an award of punitive damages.

37. As a result of the foregoing acts plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction herein.

AS AND FOR A FOURTH CAUSE OF ACTION

38. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in the First, Second and Third Causes of Action with the same force and effect as if fully set forth at length hereinafter.

39. That defendant was further negligent in failing to exercise the care in the performance of police duties as a reasonably prudent and careful police officers would have used under similar circumstances.

40. That the defendant its agents servants and/or employees were further negligent in that the NYPD was negligent in training and instruction of its police and corrections officers by not exercising care in instruction of its police and corrections officers by not exercising care in instructing them as to their department, proper police procedure, behavior and conduct as police officers and representatives of the City of New York.

41. At all times relevant herein, the acts complained of herein are the direct and proximate result of the failure of the defendant and its department NYPD to properly select, train, supervise and discipline its employees and servants, in accordance with statutes, ordinances, regulations, customs and usages of the defendant The City of New York, and of the State of New York, and of the United States of America. Defendant is liable for any torts or liability of the NYPD, its police officers, and its agents servants and/or employees under a municipal custom or policy.

42. That as a result of the foregoing, plaintiff was rendered sick, sore, lame and disabled, suffered injuries both internal and external pain and mental anguish; was confined to his bed and home for a lengthy period of time; was compelled to seek medical care and attention and upon information and belief, will in the future be compelled to seek medical care and attention; was prevented from her usual vocation, avocation and activities and upon information and belief will in the future be disabled from his following usual vocation, avocation and activities and will thereby suffer a diminution of employment of life and loss of income.

43. As a result of the foregoing acts plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction herein.

AS AND FOR A FIFTH CAUSE OF ACTION

44. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in the First, Second, Third and Fourth Causes of Action with the same force and effect as if fully set forth at length hereinafter.

45. At all times relevant herein, the aforesaid acts undertaken by defendant and complained of by plaintiff were so outrageous as to shock the conscience of the Court.

46. As a result of the foregoing plaintiff suffered serious permanent emotional, mental, physical, reputational and economic injuries.

47. As a result of the foregoing acts plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction herein.

AS AND FOR A SIXTH CAUSE OF ACTION

48. Plaintiffs repeat, reiterate, and restate each and every allegation contained in the First, Second, Third, Fourth and Fifth Causes of Action with the same force and effect as if fully set forth at length hereinafter.

49. Such conduct breached the protections provided by the New York State Constitution Article 1 §§ 6, 11 and 12.

50. As a result of all the foregoing conduct and acts of the defendant its agents servants and/or servants with respect to the arrest and subsequent events as alleged above, plaintiff suffered

serious physical, mental and emotional injuries as aforesaid, requiring medical and therapeutic treatment and follow-up care. He also suffered reputational and economic injuries.

51. The acts and conduct described above deprived plaintiff of his rights:
- a. To Freedom of speech and association;
 - b. To be free from false arrest and imprisonment without probable cause by police officers acting under color of law;
 - c. To be free from malicious prosecution by police officers acting under color of law;
 - d. To be free from abuse of process by police officers acting under color of law;
 - e. To be entitled to the free exercise of due process without wrongful restraint by police officers acting under color of law;
 - f. To be free of unreasonable seizure by police officers acting under color of law;
 - g. To not have excessive force used against him by police officers acting under color of law; and
 - h. To not have summary punishment imposed upon him by police officers acting under color of law.


52. As a result of the foregoing acts plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction herein.

WHEREFORE, plaintiff demands judgment against defendants, in the First, Second, Third, Fourth, Fifth and Sixth Causes of Action in an amount to be determined upon trial of this action, together with the cost and disbursements of this action.

Dated: New York, New York
April 3, 2014

Yours, etc.

POWELL & ROMAN, LLC

By: 
Robert G. Androsiglio, Esq.
Attorneys for Plaintiff
30 Wall Street, 8th Floor
New York, NY 10005-2205
(212) 742-0001

VERIFICATION

STATE OF FLORIDA)
) ss.:
COUNTY OF *Orange*)

RALPH JACQUES, being duly sworn deposes and says:

Deponent is the Plaintiff in the within action; Deponent has read the foregoing Complaint and knows the contents thereof; the same is true to Deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters Deponent believes it to be true.

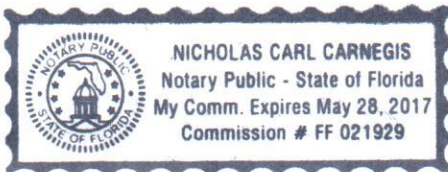


RALPH JACQUES

Sworn to before me this
16 day of April, 2014.



NOTARY PUBLIC



Index No.

Year 2013

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS
RALPH JACQUES,

Plaintiff,

- against -

THE CITY OF NEW YORK,

Defendant.

SUMMONS & VERIFIED COMPLAINT

POWELL & ROMAN, LLC
Attorneys for Plaintiff
30 Wall Street
8th Floor
New York, New York 10005-2205
(212) 742-0001

To:

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

☐ that the within is a (certified) true copy of a entered in the office of the clerk of the within named Court on 20

☐ that an Order of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court, at on , 20 , at .m.

Dated:

POWELL & ROMAN, LLC
Attorneys for Plaintiff
30 Wall Street - 8th Floor
New York, New York 10005-2205
(212) 742-0001

To:

Attorney(s) for